

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION

GREGORY D. DOUGLAS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 1:18-cv-00015
	)	
DAMON HININGER, et al.,	)	Judge Campbell
	)	Magistrate Judge Frensley
Defendants.	)	

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DEFENDANTS' MOTION IN LIMINE TO PREVENT PLAINTIFF FROM OFFERING ANY  
TESTIMONY CONCERNING OUT-OF-COURT STATEMENTS  
MADE BY CORECIVIC/SCCF STAFF

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Defendants Brandon Bowers and Doreen Trafton ("Defendants"), by and through counsel, move the Court to prohibit Plaintiff and any of his witnesses from presenting any proof, testimony, or argument concerning any out-of-court statements made by CoreCivic/South Central Correctional Facility ("SCCF") employees or officials concerning their opinions and/or observations of Defendants' interactions with Plaintiff.

Rule 801(c) of the Federal Rules of Evidence defines hearsay as "a statement that the declarant does not make while testifying at the current trial or hearing, and a party offers in evidence to prove the truth of the matter asserted in the statement." Fed. R. Evid. 801(c). Rule 802 adds that hearsay is generally not admissible without a provided exception to the rule against hearsay. *See* Fed. R. Evid. 802. Because any statements made by SCCF officials/staff to Plaintiff concerning their opinions and observations of Defendants' interactions with Plaintiff would be offered into evidence solely to prove the truth of the matter asserted and because any such statements would not fall into any of the exceptions to the hearsay rule, such evidence is

inadmissible hearsay under Rule 802 of the Federal Rules of Evidence and should be prohibited.

Respectfully submitted,

PENTECOST, GLENN & MAULDIN, PLLC

By: s/J. Austin Stokes  
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#### **CERTIFICATE OF CONSULTATION**

The undersigned has submitted a written request to Plaintiff on this matter. Due to Plaintiff's incarceration, consultation by any other method of communication is impractical. In the event that a response is received from Plaintiff, Defendants will amend this Certificate of Consultation.

s/J. Austin Stokes  
J. Austin Stokes

#### **CERTIFICATE OF SERVICE**

This is to certify that I served a copy of this pleading or papers by U.S. mail, first-class, postage prepaid, upon:

Gregory Douglas, #458144  
Northeast Correctional Complex  
5249 Hwy. 67 West  
Mountain City, TN 37683

This the 27<sup>th</sup> day of December, 2021.

By: s/J. Austin Stokes  
J. Austin Stokes